

Non-Responsive Amendment

The general policy of the Office is not to permit the applicant to shift to claiming another invention after an election is once made and action given on the elected subject matter. Note that the applicant cannot, as a matter of right, file a request for continued examination (RCE) to obtain continued examination on the basis of claims that are independent and distinct from the claims previously claimed and examined (i.e., applicant cannot switch inventions by way of an RCE as a matter of right). When claims are presented which the examiner holds are drawn to an invention other than the one elected, he or she should treat the claims as outlined in MPEP § 821.03.

The amendment to independent claims pertaining to “during a runtime session” and arguments shifted the claimed invention from a method/apparatus of generating a product configurator to method/apparatus of using a product configurator. The Examiner is suggesting Applicants consider a telephone interview for further discussion to resolve subject matter issues.

/Robert M. Pond/
Primary Examiner, Art Unit 3625
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